

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA

v.

DANIEL SANCHEZ

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§

CRIMINAL NO. C-15-266

ORDER ACCEPTING GUILTY PLEA

Now before the Court is the Findings and Recommendation of the United States Magistrate Judge B. Janice Ellington containing her recommendation (1) that this Court adopt her findings that the Defendant's guilty plea in the above-styled and numbered cause was knowingly and voluntarily entered, with a full understanding of the consequences of the plea and the constitutional rights being waived, and that the plea was supported by an adequate basis in fact; (2) that the Court accept the Defendant's guilty plea; and (3) that the Court adjudge the Defendant guilty of the offenses charged in Counts One and Two of the Indictment. (D.E. 22.)

On April 28, 2015, the Magistrate Judge, by designation and referral of this Court (pursuant to the authority of 28 U.S.C. § 636(b)(3) and this Court's standing order of referral) and with the consent of the parties, conducted the re-arraignment and guilty plea colloquy of the Defendant, Daniel Sanchez. The Indictment charged the Defendant with having committed the following offenses:

Count One

On or about March 8, 2015, in the Corpus Christi Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, the Defendants,

Daniel Sanchez

and Maria Nelly Dominguez,

knowingly and in reckless disregard of the fact that aliens had come to, entered, and remained in the United States in violation of law, did knowingly and intentionally conspire and agree together, with each other, and with other persons known and unknown to the Grand Jury, to transport, move, attempt to transport, and attempt to move said aliens within the United States in furtherance of such violation of law by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(I), and 1324(a)(1)(B)(i).

Count Two

On or about March 8, 2015, in the Corpus Christi Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, the Defendants,

Daniel Sanchez,

did knowingly and in reckless disregard of the fact that Edel Cuevas-Castro was an alien had come to, entered, and remained in the United States in violation of law, transport, move, attempt to transport and attempt to move said alien within the United States in furtherance of such violation of law by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II) and 1324(a)(1)(B)(ii).

(D.E. 14.) After being placed under oath and advised of the charges against him, as well as his right to a jury trial and the consequences of entering a plea of guilty, the Defendant entered a plea of guilty to Counts One and Two of the Indictment.

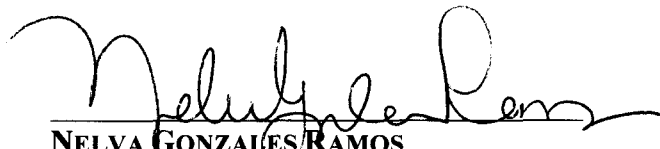
More than fourteen days have passed since the parties, respectively, were served with the Magistrate Judge's Findings and Recommendation, and no party has filed objections. The Court regards such omission as the parties' agreement with and acceptance of the Magistrate Judge's findings. When no timely objection to a magistrate judge's findings and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's findings and recommendation. *Guillory v. PPG Industries*,

Inc., 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)); *United States v. Rivas*, 85 F.3d 193, 194 (5th Cir. 1996).

In the case at hand, the Court is of the opinion that the Magistrate Judge's Findings and Recommendation is supported by the record and that there is no clear error. Furthermore, the Court finds that the Defendant, Daniel Sanchez, is fully competent and capable of entering an informed plea; that he is aware of the nature of the charges made against him, the consequences of his plea, and the nature of the constitutional rights that he is waiving; that his plea of guilty is a knowing and voluntary plea that did not result from force, threats, or promises (other than promises in a plea agreement); and that it is supported by an independent basis in fact containing each of the essential elements of the offenses with which he is charged.

THEREFORE, the Court **ADOPTS** the Magistrate Judge's findings as its own, **ACCEPTS** Defendant's plea of guilty, and **ADJUDGES** the Defendant, Daniel Sanchez, guilty as charged in Counts One and Two of the Indictment.

ORDERED this 13th day of May 2015.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE